

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILEDUnited States of America
v.
Krystian Dari AYALA

NOV 05 2020

Case No. C-20-1956M David J. Bradley, Clerk of CourtDefendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 23, 2020 in the county of Nueces in the
Southern District of Texas, the defendant(s) violated:*Code Section*
18 USC 2252A(a)(2)(A)*Offense Description*
Knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails in violation of Title 18 United States Code Section 2252A(a)(2)(A).

This criminal complaint is based on these facts:

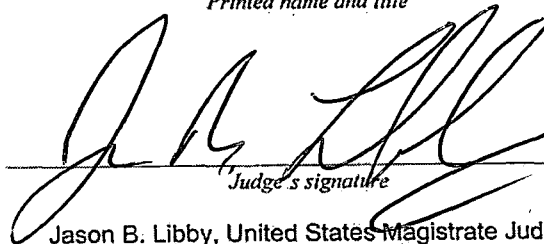
See attached document titled, "AFFIDAVIT"

☒ Continued on the attached sheet.Submitted by reliable electronic means, sworn to,
signature, attested telephonically per Fed. R. Crim.
P. 4.1, and probable cause found on:

Sworn to before me and signed in my presence.

Date: November 5, 2020City and state: Corpus Christi, Texas*Complainant's signature*

W. Heath Hardwick, Special Agent

Printed name and title*Judge's signature*

Jason B. Libby, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), currently assigned to the Assistant Special Agent in Charge office in Corpus Christi, Texas. I have been employed in this agency since February of 2003, and my responsibilities include investigating criminal violations related to offenses committed against the United States including but not limited to, child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography in violation of Title 18, United States Code, § 2252 and 2252A. I have also received training in the area of child exploitation and child pornography with regard to violations of Title 18 United States Codes Sections 2251 and 2422.

I am familiar with the information contained in this Affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers and witnesses involved in this investigation, or others who have engaged in numerous investigations involving the sexual exploitation of children.

This Affidavit is intended to show merely that there is sufficient probable cause for the criminal charges being described below in this matter. Based on my training, experience, and the facts set forth in this Affidavit, there is probable cause to believe that violation of 18 United States Code 2252A(a)(2)(A), Distribution of Child Pornography have been committed by Krystian Dari AYALA.

PROBABLE CAUSE

Between March 25, 2020, and April 2, 2020, the National Center for Missing and Exploited Children (NCMEC) sent two (2) separate Cyber Tips to the Corpus Christi's Police Department (CCPD) Internet Crimes Against Children (ICAC) Unit due to a person using the Discord App to upload three (3) images of child sexual exploitation. The images were shared with another user on the Discord app. The suspect was identified as using screen name "tbhdk#9497" and email address sandychicks0909@gmail.com. Discord further provided IP addresses used by the suspect to send the images of child sexual exploitation through the Discord app. The images being sent by the "tbhdk#9497" user were images of a prepubescent male child and were determined to be child sexual exploitation.

Based on Administrative Summons submitted to Internet Providers for the suspect IP addresses, it was determined one of the IP addresses belonged to a customer named Krystian AYALA, residing in Corpus Christi, Texas. The second IP address came back to the work location for AYALA.

Based on the above information, Detective Alicia Escobar applied for and received a Search Warrant for the AYALA residence.

On August 11, 2020, the search warrant for the AYALA residence was served with Detectives of the CCPD ICAC Unit and Corpus Christi HSI Agents. Numerous electronic devices were seized from the residence for analysis. One of the devices located was a cell phone, manufactured in China, belonging to AYALA. AYALA was located in the residence and agreed to an interview. AYALA was transported to the CCPD ICAC Unit where he was advised of his rights and his right to have an attorney present during questioning. AYALA agreed to speak to law enforcement without the presence of an attorney.

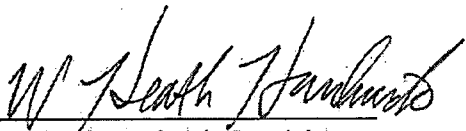
During the interview with AYALA, he was told that NCMEC Cyber Tips had been received regarding his online activity coming back to his residence. AYALA stated that he was not surprised that information had been received regarding his online activity. When asked, AYALA admitted to using the email address sandychicks0909@gmail.com. AYALA also admitted to using the Discord app and the screen name of "thidk#9497" to send images of child sexual exploitation. AYALA stated he was using a cell phone to access the app and further provided the PIN to access the locked cell phone that was used to send images of child sexual exploitation to the Discord app.

AYALA was shown two photographs of child sexual exploitation that were sent via the Discord App. Both of the images shown to AYALA were images of child sexual exploitation. AYALA was asked if he had seen or sent the images of child exploitation shown to him and AYALA stated he did. AYALA dated and initialed the images that were shown to him indicating that he had seen and/or sent the images of child sexual exploitation.

A search warrant was obtained for the Discord account with username "tbhidk#9497". Upon the return of the search warrant, a conversation between "tbhidk#9497" (AYALA) and another Discord user was located that occurred on March 23, 2020. During the conversation, AYALA asked if the other person wanted to see some "cp", also known as child pornography. When the other user told AYALA that he did, AYALA sent two (2) images of child pornography through the Discord app. One of the images sent by AYALA on this date was the same image initialed and dated by AYALA during his interview on August 11, 2020. The image sent by AYALA on Discord was an image of a prepubescent child laying on his back exposing his genitals and anus. The child's anus is the focal point of the photo. An adult hand is observed spreading the child's buttocks apart exposing the anus, which has a white substance on the anus which is consistent with male ejaculate (semen).

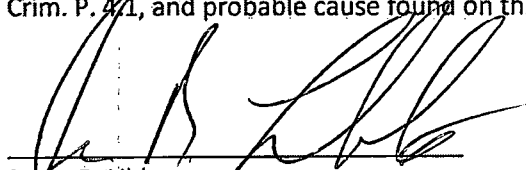
CONCLUSION

Based on the above details within this Affidavit, your affiant believes probable cause exists for the arrest of Krystian Dari AYALA for a violation of Title 18 United States Code Section 2252A(a)(2)(A), Distribution of Child Pornography.



W. Heath Hardwick, Special Agent
Homeland Security Investigations

Submitted by reliable electronic means, sworn to, signature, attested telephonically per Fed. R. Crim. P. 4.1, and probable cause found on this 5 day of November 2020.



Jason B. Libby
United States Magistrate Judge